REMARKS

Claims 1-17 are pending in the instant patent application. Claims 1-17 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-5, 7, 8, 15 (in part) and 17 (in part), drawn to an isolated nucleic acid molecule, a vector comprising the nucleic acid, a host cell comprising the vector and a vaccine comprising the nucleic acid, classified in class 536, subclass 23.1, for example;

Group II, claim 6, drawn to a method for determining the presence of prostate specific nucleic acid (PSNA) in a sample by contacting the sample with a nucleic acid molecule according to claim 1 and detecting hybridization of the nucleic acid molecule to PSNA, classified in class 435, subclass 6, for example;

Group III, claim 9, drawn to a method for producing a polypeptide encoded by nucleic acid molecules of claim 1, classified in class 435, subclass 69.1, for example;

Group IV, claims 10, 11 and 17 (in part), drawn to an isolated polypeptide and a vaccine comprising the polypeptide, classified in class 530, subclass 300, for example;

Group V, claims 12 and 15 (in part), drawn to an antibody

which specifically binds to a polypeptide, classified in class 530, subclass 387.1, for example;

Group VI, claim 13, drawn to a method for determining the presence of a prostate specific protein in a sample by contacting the sample with an antibody which selectively binds to the protein, classified in class 435, subclass 7.1, for example;

Group VII, claim 14 (in part), drawn to a method for diagnosing and monitoring the presence or metastases of prostate cancer in a patient by determining an amount of nucleic acid molecule of claim 1 in a sample and comparing the amount to a control, classified in class 435, subclass 91.2, for example;

Group VIII, claim 14 (in part), drawn to a method for diagnosing and monitoring the presence or metastases of prostate cancer in a patient by determining an amount of polypeptide of class 1 in a sample and comparing the amount to a control, classified in class 435, subclass 7.1, for example; and

Group IX, claim 16, drawn to a method of treating a patient with prostate cancer by administering an antibody of claim 12, classified in class 424, subclass 130.1, for example.

The Examiner suggests that these Groups are distinct, each from the other.

Specifically, with respect to Groups I and (II, III and

VII), Groups IV and VIII and Groups V and (VI,IX) the Examiner has acknowledged their relationship as product and process of use. However, the Examiner suggests that the products as claimed could be used in materially different processes.

With respect to Groups I and IV and Groups I and V, the Examiner suggests that the Groups are separate and distinct because the inventions are directed to different chemical types.

With respect to Groups I and (VI, VIII, IX), Groups IV and (II, VI, VII, IX), Groups V and (II, III, VII, VIII) and Groups II, III, VII, VIII and IX, the Examiner suggests that the Groups are unrelated since one Group is not required for another.

With respect to Groups III and IV, the Examiner has acknowledged their relationship as process of making and product made. However, the Examiner suggests that the Groups are distinct because the product can be produced by a materially different process.

Further, the Examiner suggests that each of the above Groups reads on patentably distinct sequences and has requested that Applicants further elect a single amino acid of single nucleic acid sequence.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected nucleic acid, polypeptide or antibody would also reveal any references teaching uses for the nucleic acid, polypeptide or antibody. Accordingly, Applicants believe that searching of all the claims, at least when limited to elected nucleic acids, polypeptides, or antibodies, is overlapping and would not place an undue burden on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

In addition, with respect to the election of a single sequence, MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a single application. Accordingly, withdrawal of this sequence election requirement and reconsideration to include a more reasonable number of at least 10 sequences in accordance with MPEP § 803.04 is also respectfully requested.

However, in an earnest effort to advance the prosecution of this case Applicants elect Group I, claims 1-5, 7, 8, 15 and 17 with traverse. Further, Applicants elect SEQ ID NO:84 encoding SEQ ID NO:198, with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

Kathleen A. Tyrrell
Reg. No. 38,350

Date: November 3, 2003

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053
(856) 810-1515